

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

NAPOLITANO HOMES, INC.,

Plaintiff,

v.

Case No. _____

CHRISTOPHER FITZCHARLES,

Defendant.

COMPLAINT

Plaintiff Napolitano Homes, Inc., by counsel, files this Complaint against the Defendant Christopher Fitzcharles.

1. This is a diversity action for defamation.
2. This Court has jurisdiction under 28 U.S.C. § 1332 because this is an action between citizens of different States and the amount in controversy exceeds \$75,000.
3. Venue is proper in this District and in this Division under 28 U.S.C. § 1391(b) and Local Rule 3(C) because a substantial part of the events or omissions giving rise to the claim occurred in Suffolk, Virginia.
4. Plaintiff Napolitano Homes, Inc. is a Virginia corporation with its principal place of business in Virginia Beach, Virginia.
5. Defendant Christopher Fitzcharles is an adult individual and a citizen of the state of Washington.

6. Napolitano Homes is in the business of building and selling new homes.

7. In March, 2022, Fitzcharles purchased a new home from Napolitano Homes in the Bennett's Creek Quarter community in Suffolk, Virginia.

8. Fitzcharles was unhappy with his purchase and began posting complaints on Napolitano Homes's Facebook account.

9. On February 15, 2023, Fitzcharles stated the following in the comments to a post on Napolitano Homes's public Facebook page:

a. "I think enough is enough, how much more to [sic] people need to hear / see about the exploitation of black people."

b. "All these people care about is getting your money."

c. "They don't want to live here because they are well aware of the many shortcuts that have been taken."

d. "This place is not good enough for them but for black people it's ok."

10. A copy of the Facebook post and Fitzcharles' statements is attached as Exhibit A to this Complaint.

11. Fitzcharles' statements were referring to Napolitano Homes, were posted on Napolitano Homes's public Facebook page, and were seen by one or more third parties.

12. Fitzcharles' statements are false and defamatory.

13. The reasonable inference to be drawn from Fitzcharles' statements is that Napolitano Homes intentionally discriminates against black people and does not provide the

same quality homes to black people as they do to others.

14. Fitzcharles' statements are defamatory *per se* because they are harmful and prejudicial to Napolitano Homes's business of building and selling new homes, and they impute that Napolitano Homes has engaged in unlawful housing discrimination.

15. Fitzcharles knew the statements were false when he posted them.

16. In the alternative, Fitzcharles made the statements with reckless disregard for whether they were true or not.

17. In the alternative, Fitzcharles lacked reasonable grounds for believing his statements were true and was negligent in ascertaining the true facts.

18. Napolitano Homes is entitled to presumed damages for defamation *per se*, and punitive damages.

WHEREFORE, Napolitano demands judgment against Fitzcharles for presumed damages in the amount of TWO MILLION DOLLARS (\$2,000,000.00) and punitive damages in the amount of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00), plus its costs expended in this action and such other relief as the nature of this case may require.

NAPOLITANO HOMES, INC.

By: /s/Andrew M. Hendrick
Counsel

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